REMARKS

The Examiner objected to the specification, requiring that the first paragraph be updated to reflect that U.S. Patent Application No. 09/952,256, the parent of the present application, issued as patent. This has been done.

The Examiner rejected claim 7 under 35 U.S.C. § 112, second paragraph. Claim 7, which depends from claim 6 includes the limitations of "first and second elongate power actuators . . . synchronized to symmetrically adjust a transverse spacing between said fork-engaging members about an axis between said fork-engaging members" and "said axis [being] transversely movable." The Examiner, after assuming that the "axis" recited in the first limitation was a fixed member of the frame of the lift truck, contended that the latter-recited limitation was indefinite because no structure was shown that could move that fixed member. The Applicant disagrees with the Examiner's assumption that the "axis" claimed in claim 6 corresponds to any physical object, fixed or otherwise. An "axis" is a geometrical term that refers to an imaginary line and does not imply any particular physical construct. Nor does any language in claim 6 or 7 imply a limitation that the claimed axis is defined by a physical object.

The Applicant, however, agrees with the Examiner that claim 7 should recite a reference with respect to which the claimed axis moves.Claim 7 has been amended to claim "the fork positioner of claim 6 where said axis is transversely movable with respect to said lift truck." The Applicant notes that the specification discloses a shift carriage 14 on pages 3 and 4, operation of which moves the fork engaging members in a manner that laterally shifts the axis about which they symmetrically move upon actuation of the power actuators. As stated by the Examiner, such shift carriages are well known, hence claim 7 is supported by the specification.

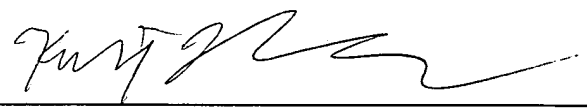
The Examiner rejected claims 1, 2, and 6 under 35 U.S.C. § 102(b) as being anticipated by House, U.S. Patent No. 5,336,039. House discloses a lift truck having two hydraulically operated pairs of fork-engaging members 30 and 32, respectively, each supported by a corresponding respective pair of hydraulic cylinders. Each pair of hydraulic cylinders operate to laterally move *its supported* fork-engaging member in a desired direction. For example, each fork-engaging member 30 is supported by a hydraulic cylinder that acts to move the fork-engaging member 30. None of the hydraulic cylinders of House move the fork-engaging

member supported by the *other* hydraulic cylinder. Actuation of the hydraulic cylinders, however, is synchronized. Thus the Examiner contends that *actuation* of one pair of hydraulic cylinder indirectly *causes* the fork-engaging member of the fork supported by the other hydraulic cylinder to slide transversely along the other hydraulic cylinder.

Independent claim 1 has been amended to recite the limitation of "movement of said *first* elongate power actuator causing said *second* fork-engaging member to slide transversely along said *second* elongate power actuator and movement of said *second* elongate power actuator causing said *first* fork-engaging member to slide transversely along said *first* elongate power actuator"(emphasis added). Amended claim 1 distinguishes over House because, irrespective of whether, for example, actuation of House's first elongate power actuator causes House's second fork-engaging member to slide transversely, *movement* of the first elongate power actuator does not cause the second fork-engaging member to move transversely. Similarly, *movement* of House's second elongate power actuator does not cause House's first fork-engaging member to move transversely. Therefore independent claim 1, along with its dependent claims 2 and 6 patetably distinguish over House and should be allowable.

The Examiner rejected dependent claims 3-5 and 7 under 35 U.S.C. § 103(a) as being obvious in view of the combination of the House '030 reference discussed previously and either House, U.S. Patent No.4,902,190 (claim 7) or Barda, U.S. Patent No. 3,754,673. Neither of these secondary references, however, disclose the aforementioned amended limitation of claim 1, i.e. "movement of said first elongate power actuator causing said second fork-engaging member to slide transversely along said second elongate power actuator and movement of said second elongate power actuator causing said first fork-engaging member to slide transversely along said first elongate power actuator." Dependent claims 3-5, and 7 should therefore also be allowable.

Respectfully submitted,



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